

REMARKS

By this Communication, Applicants are submitting the Declaration of Dr. Alex A. Waldrop, III, an expert in nucleic acid and protein chemistries. A copy of Dr. Waldrop's Declaration that includes four exhibits (1-4) is attached to this Communication as Exhibit A.

It is respectfully requested that the Examiner consider the information contained in Dr. Waldrop's Declaration (Exhibit A) as it may relate to the novelty of the subject matter in pending claims 506 and 510. In the February 17, 2004 Office Action, both of these claims were rejected for anticipation under 35 U.S.C. §102(b) by Langer et al. [Pennina R. Langer, Alex A. Waldrop¹ and David C. Ward, "Enzymatic synthesis of biotin-labeled nucleotides: Novel nucleic acid affinity probes," Proc. Natl. Acad. Sci. (USA), Volume 78, pages 6633-6637 (November 1981)]. See February 17, 2004 Office Action, page 6, first and second full paragraphs.

Favorable action is respectfully requested.

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¹ The declarant is the same person as the second listed author on the cited Langer PNAS publication.

SUMMARY AND CONCLUSIONS

No claims amendments, additions or cancellations are presented in this Communication, the purpose of which is to transmit the Declaration Of Dr. Alex A. Waldrop, III on the novelty of pending claims 506 and 510.

No fee or fees are believed due in connection with the filing of this Communication or Dr. Waldrop's Declaration (Exhibit A). In the event that any other fee or fees are due, however, The Patent and Trademark Office is hereby authorized to charge the amount of any such fee or fees to Deposit Account No. 05-1135, or to credit any overpayment thereto.

If a telephone conversation would further the prosecution of the present application, Applicants' undersigned attorney request that he be contacted at the number provided below.

Respectfully Submitted,



Ronald C. Fedus

Registration No. 32,567

Attorney for Applicants

ENZO LIFE SCIENCES, INC.
c/o ENZO BIOCHEM, INC.
527 Madison Avenue, 9th Floor
New York, NY 10022-4304
Telephone: (212) 583-0100
Facsimile: (212) 583-0150